

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-15357
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT FEB 21, 2007 THOMAS K. KAHN CLERK

D.C. Docket No. 03-00232-CV-OC-10-GRJ

KELLIE A. REESE,

Plaintiff-Appellee,

versus

CITY OF CRYSTAL RIVER, Florida,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida

(February 21, 2007)

Before DUBINA, CARNES and COX, Circuit Judges.

PER CURIAM:

The City of Crystal River (“the City”) appeals the district court’s denial of the City’s motion for attorneys’ fees and costs. The City contends that it is entitled to

recover the fees and costs from Kellie A. Reese and Reese's attorney because Reese filed a frivolous lawsuit in bad faith against the City and because Reese's attorney acted unreasonably and vexatiously to multiply the proceedings in that case.

After a review of the parties' briefs and the record on appeal, we conclude that the district court did not abuse its discretion in denying the City's request for fees and costs. The district court did not err in finding that Reese's action "was not frivolous, unreasonable or without foundation and counsel for the Plaintiff did not multiply the proceedings in this case unreasonably and vexatiously." (R.2-66 at 3.)

AFFIRMED.